

BILL ANALYSIS

C.S.S.B. 2296
By: Duncan
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law requires all groundwater conservation district ("GCDs") to review and adopt its management plan once every five years. This requirement, established by S.B. 1, Acts of the 75th Legislature, Regular Session, 1997, mandated that the first management plans for existing GCDs be submitted to the executive administrator of the Texas Water Development Board on August 31, 1998. GCDs may amend and readopt their management plans more frequently if necessary. H.B. 1763, Acts of the 79th Legislature, Regular Session, 2005, requires a GCD management plan to address in a quantitative manner the desired future conditions for the applicable aquifers; meaning that since the bill's effective date on September 15, 2005, in order for a GCD to meet statutory requirements to receive executive administrator approval, the management plan must include the GCD desired future condition ("DFC"), determined by the GCDs in the groundwater management area, and managed available groundwater amount, provided by the executive administrator.

As a result, several GCDs have been required to adopt management plans since September 1, 2005, prior to the establishment of the DFCs. Furthermore, there will be approximately 30 additional management plans due to the executive administrator for review and approval during the DFC adoption process and calculation of managed available groundwater. The result of this process is that the management plan will be outdated immediately upon selection of DFC and receipt of managed available groundwater amount, and thus an inefficient and wasteful use of limited GCD resources. Allowing a delay in the preparation of the management plan would avoid the expense and potentially wasted efforts that are occurring under current law. This bill might also enable the Texas Water Development Board, during this transitional period, to refocus its limited resources to the DFC and managed available groundwater calculation process, rather than to the management plan review process for better use of limited resources.

C.S.S.B. 2296 amends current law relating to the submission of groundwater management plans to the executive administrator of the Texas Water Development Board.

RULEMAKING AUTHORITY

It is the Committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 36.1072, Water Code by amending Subsection (a) and (e) and adding Subsection (e-1), as follows:

Subsection (a) Adds an exemption as provided by Subsection (e-1) to Subsection (a).

Subsection (e) Adds an exemption as provided by Subsection (e-1) to Subsection (b).

Subsection (e-1) Authorizes a groundwater conservation district to adopt and submit to the executive administrator of the Texas Water Development Board ("TWDB") a resolution delaying the due date for a new or readopted management plan to a date not later than the first anniversary of the last date the district receives an amount of managed available groundwater from the executive administrator, in lieu of the applicable deadline, if the district is required to submit such a plan under Subsection (a) or such a readopted plan under Subsection (e) on a date that is

before the first anniversary of the date the executive administrator provides to the district an amount of managed available groundwater.

Prohibits a district that elects to delay submission of a new or readopted plan from adopting a new rule or amending an existing rule limiting production from wells or allocating groundwater until the district submits to the executive administrator the management plan or readopted plan.

Provides for the expiration of these provisions on September 1, 2013.

SECTION 2. Provides that Section 36.1072, Water Code, as amended by this Act, applies only to a groundwater management plan that is submitted to the executive administrator of the TWDB on or after the effective date of this Act. Provides that a groundwater management plan that is submitted to the executive administrator before the effective date of this Act is governed by the law in effect when the management plan was submitted, and the former law is continued in effect for that purpose.

SECTION 3. Provides the effective date of this Act.

EFFECTIVE DATE

This Act take effect immediately if it receives a vote of two-thirds or all members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, the effective date is September 1, 2009.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.S.B. 2296 differs from the original by authorizing a groundwater conservation district to adopt and submit to the executive administrator of the TWDB a resolution delaying the due date for a new or readopted management plan within a certain limit, whereas the original authorizes a district in its sole discretion to submit a new or readopted management plan on a later date within a certain limit.